

**Geoffrey Leonard – Detroit Justice Center  
Testimony on License Suspension -- June 3, 2020**

Good morning, and thank you for having me. My name is Geoffrey Leonard, I am a lawyer at the Detroit Justice Center, and I am here to speak about the bill decriminalizing first offense driving on a suspended license, HB 5802.

While I appreciate that this bill is trying to do, I believe this bill will be wholly ineffective unless it is amended to end the practice of driver's license suspension for things not related to traffic safety all together, and restore all currently suspended driver's licenses. At minimum, I am asking that the bill be amended to repeal MCL 257.321a, which suspends driver's licenses for people who do not pay or appear on traffic tickets, and restore all licenses suspended for that reason.

The reality is, in Michigan, most driver's license suspensions have nothing to do with road safety. Michigan suspends driver's licenses as a penalty for drug crimes. Michigan suspends licenses if you cannot afford to pay child support. Most importantly, the vast majority of license suspensions we encounter, and about 358,000 license suspensions statewide, are for failing to pay, or failing to go to court on, minor traffic tickets.<sup>1</sup> To be clear, these are not suspensions triggered by the nature of the traffic tickets themselves—I have never had a client whose license was suspended for being a bad driver. Rather, again and again I see people whose licenses are suspended because they could not go to court for, or could not afford to pay a minor traffic ticket.

However you may feel about drug possession, being unable to pay child support, or the inability to pay traffic tickets, a drivers license suspension is an irrational, counterproductive penalty for these offenses.

In fact, a suspended license makes it makes it less likely, not more likely, that a person will comply with the law. In metro Detroit, and I would guess most of Michigan, driving is necessary to get a job, to get to work, to take your kids to school, to go grocery shopping, and even to get to court. When a person has their license suspended, they are prevented from doing all of these things, at no added benefit to the community. Instead, it prevents people from getting or keeping the job they would need to earn the money that would allow them to pay their child support and pay their traffic tickets.

The most comprehensive study on the effects of license suspensions was conducted by a task force for the State of New Jersey in 2007. 42% of respondents lost their jobs after their license was suspended. About half of the people who lost their jobs could not find another, and 88% of those who did find a new job reported a decrease in income.

Our client's experience reflect this. One client in particular, Mr. S, is a good example. He lives in Detroit. He had a job lined up in Rochester Hills, but he needed a license to start working. His license was suspended because of three traffic tickets, one in Ferndale, and two in Southfield. In total, he needed only \$700 to get his suspensions lifted. However, after years of homelessness, his only source of income was food stamps, and a \$300 month stipend, most of which went to

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<sup>1</sup> <https://www.detroitnews.com/story/opinion/editorials/2020/01/30/editorial-limit-driver-license-suspensions-dangerous-drivers/4566906002/>

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rent. It has been a year later, he is still unemployed, and the court has seen none of the money he was ordered to pay.

Perhaps the ultimate irony is that license suspensions even make it harder for people to get to court...a major barrier for our practice is that our clients cannot even get to court because of their suspended licenses, let alone get a job to pay of the tickets suspending their licenses.

We even had a client who, while on his way to court to resolve a license suspension enter in error, was pulled over and given a ticket for driving on a suspended license, and did not then make it to court.

For these reasons, many states are taking the important step I am asking you to take. In the last three years, fifteen states have ended the practice of suspending driver's licenses for unpaid tickets,<sup>2</sup> many ending the practice of license suspension all together. Likewise, a handful of federal courts have ruled the practice unconstitutional, in part because it is so ineffective. In one case, the court noted "Providing a marginally more efficient tool for collecting from the non-indigent is simply no rational justification for aggressively reducing the likelihood of payment by the indigent. Whatever bare minimum of rationality is required to pass muster under *Johnson*, a law that is transparently counterproductive to the professed legitimate purpose falls short".<sup>3</sup>

I would urge the committee to include an amendment to the bill to end license suspensions for non-safety related reasons in their entirety. I have included these provisions in my written testimony. At minimum, I would ask the committee to amend the bill to repeal MCL 257.321a, which suspends licenses for failing to appear on or failing to pay traffic tickets.

Thank you.

**The provisions that would need to be repealed are:**

- MCL 257.321a – suspends licenses for failure to appear/failure to pay in traffic court
- MCL 333.7408a – suspends licenses as penalty for a drug crime
- MCL 552.628 – suspends licenses as penalty for unpaid child support
- MCL 257.319(2)(a), (3)(d), (5), (6), (7), (9), (10), (11), (12) (24) – suspends licenses for non-safety related and technical traffic code violations
- MCL 257.320e(2), (3), (4) – suspends license if you are convicted of a felony that occurred while you were driving but related to driver safety (e.g. if you are convicted of have a firearm and were found with the firearm while driving)

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<sup>2</sup> *Id.*

<sup>3</sup> *Robinson v Purkey*, Case No. 3:17-cv-12632017 US Dist LEXIS 165483 (M.D. Tenn. Oct. 5, 2017)